

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSE DECASTRO,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:23-cv-00580-APG-EJY

**ORDER**

Before the Court are Plaintiff's Motions for Early Discovery, Extension of Time to Serve Summons, and for Leave to File a First Amended Complaint. ECF Nos. 8, 9, 10.<sup>1</sup> The Court denies Plaintiff's Motions as they are premature.

Plaintiff's request for expedited discovery is premature as no defendant has appeared in this matter. While Las Vegas Metropolitan Police Department ("LVMPD") was served on April 28, 2023, the responsive pleading is not due until May 19, 2023. ECF No. 7. Under Federal Rule of Civil Procedure 26(f), the plaintiff and the first appearing defendant, here presumably LVMPD, must meet and confer to establish a discovery plan and scheduling order. Plaintiff may seek expedited discovery at that time and, if discovery cannot be agreed upon, then Plaintiff may file a motion seeking such discovery.

Plaintiff filed his Complaint on April 17, 2023. ECF No. 1. Under Federal Rule of Civil Procedure 4(m) Plaintiff has 90 days from the date of filing to serve defendants. There are 76 days remaining within which Plaintiff may serve the yet unserved defendants in this matter. Thus, Plaintiff's Motion for Extension of Time to Serve Summons is premature. If service is unsuccessful after reasonable attempts are made, and the 90 days within which to serve is about to expire, Plaintiff may then seek an extension of time to accomplish service.

Plaintiff's Leave to File First Amended Complaint is denied. Under Federal Rule of Civil Procedure 15(a)(1)(A), Plaintiff may file an amended complaint within 21 days of serving his initial

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<sup>1</sup> Plaintiff's filings at ECF Nos. 8, 9, and 10 are identical.

1 Complaint without leave of Court. In this case, Plaintiff has until May 8, 2023 to file an amended  
2 complaint. If Plaintiff fails to file an amended complaint on or before May 8, 2023, Plaintiff may  
3 then seek leave of Court to do so thereafter. Fed. R. Civ. P. 15(a)(2).

4 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motions for Early Discovery,  
5 Extension of Time to Serve Summons, and for Leave to File First Amended Complaint (ECF Nos.  
6 8, 9, 10) are DENIED.

7 Dated this 2nd day of May, 2023.

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9 ELAYNA J. YOUCHAK  
10 UNITED STATES MAGISTRATE JUDGE  
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